

Shannon Carter  
 Name  
P.O. Box 650  
Indian Springs NV 89070  
#70773  
 Prison Number

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CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	DEPUTY

UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

"Amended" /Supplemental  
 Complaint

Shannon Carter, Plaintiff,  
 vs.  
S. Bean (1) (H DSP  
 dentist ASS)  
Dr. Bitar (2) (H DSP  
 dentist)  
J. Nash (3) (A.W.O)  
 James Dzurenda (4) (NDOC  
 Director)  
B. Williams (5) (H DSP  
 Warden)  
Romeo Aranas (6) (NDOC  
 medical Director)  
Buencamino (7) (NDOC  
 medical Personnel)  
L. Stewart (Grievance Coordinator)(8) Defendant(s).

Jury Demand

CASE NO. 2:17-cv-01628-RFB-GWF  
 (To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT  
 PURSUANT TO  
 42 U.S.C. § 1983

A. JURISDICTION

This complaint alleges that the civil rights of Plaintiff, Shannon Carter,  
 (Print Plaintiff's name)

(NDOC)municipal medical provider (1)  
 John Doe Dental Insurance company (2)

who presently resides at High Desert State Prison, were  
 violated by the actions of the below named individuals which were directed against

Plaintiff at High Desert State Prison Indian Springs NV on the following dates  
 (institution/city where violation occurred)

Feb. 2 2017, Still going have'nt been treated health declining, and .  
 (Count I) (Count II) (Count III)

Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants

2) Defendant Scherrie Bean resides at High Desert State Prison,  
(full name of first defendant) (address if first defendant)  
and is employed as Dental assistant. This defendant is sued in his/her  
 individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Violated Plaintiff 14<sup>th</sup> & 8<sup>th</sup> amendment Rights and 1<sup>st</sup> amendment Right  
as stated in following Complaint

3) Defendant Dr. Bitar resides at High Desert State Prison,  
(full name of first defendant) (address if first defendant)  
and is employed as Dentist At (H.D.S.P.). This defendant is sued in his/her  
 individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Violated Plaintiff 1<sup>st</sup> 14<sup>th</sup> and 8<sup>th</sup> amendment Right as stated  
in following Complaint

4) Defendant Jennifer Nash resides at High Desert State Prison,  
(full name of first defendant) (address if first defendant)  
and is employed as Ass. Warden (H.D.S.P.). This defendant is sued in his/her  
 individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Violated Plaintiff 1<sup>st</sup> 14<sup>th</sup> and 8<sup>th</sup> amendment Right as stated  
in following Complaint

5) Defendant James Dzurenda resides at 5500 Snyder Rd. Carson City,  
(full name of first defendant) (address if first defendant)  
and is employed as NDOC Director. This defendant is sued in his/her  
 individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Violated Plaintiffs 8<sup>th</sup> and 14<sup>th</sup> amendment Rights

Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants

2) Defendant B. Williams resides at High Desert State Prison,  
(full name of first defendant) (address if first defendant)  
and is employed as HDS P Warden. This defendant is sued in his/her  
(defendant's position and title, if any)  
 individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Violated my 8<sup>th</sup> and 14<sup>th</sup> amendment rights

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3) Defendant Romeo Arana resides at Carson City,  
(full name of first defendant) (address if first defendant)  
and is employed as NDOC Medical Director. This defendant is sued in his/her  
(defendant's position and title, if any)  
 individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Violated my 8<sup>th</sup> and 14<sup>th</sup> amendment

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4) Defendant Buencamino resides at High Desert State Prison,  
(full name of first defendant) (address if first defendant)  
and is employed as Medical Personnel. This defendant is sued in his/her  
(defendant's position and title, if any)  
 individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Violated my 8<sup>th</sup> and 14<sup>th</sup> amendment Rights

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5) Defendant L. Stewart resides at High Desert State Prison,  
(full name of first defendant) (address if first defendant)  
and is employed as Grievance Coordinator. This defendant is sued in his/her  
(defendant's position and title, if any)  
 individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Violated my 8<sup>th</sup> and 14<sup>th</sup> amendment Rights

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Make a copy of this page to provide the below  
information if you are naming more than five (5) defendants

2) Defendant Jerry Howell resides at High Desert State Prison,  
(full name of first defendant) (address if first defendant)  
and is employed as Asst. Warden. This defendant is sued in his/her  
(defendant's position and title, if any)  
 individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: 8<sup>th</sup> and 14<sup>th</sup> Violated

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3) Defendant NDOC municipal resides at High Desert State Prison,  
(full name of first defendant) (address if first defendant)  
and is employed as municipal. This defendant is sued in his/her  
(defendant's position and title, if any)  
 individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: 8<sup>th</sup> and 14<sup>th</sup> amendment Violations

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4) Defendant NDOC Medical Provider Municipal resides at High Desert State Prison,  
(full name of first defendant) (address if first defendant)  
and is employed as Municipal Medical. This defendant is sued in his/her  
(defendant's position and title, if any)  
 individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Violated 8<sup>th</sup>/14<sup>th</sup> amendment Rights

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John Doe Dental

5) Defendant Insurance Company resides at N/A,  
(full name of first defendant) (address if first defendant)  
and is employed as Insurance Company. This defendant is sued in his/her  
(defendant's position and title, if any)  
 individual  official capacity. (Check one or both). Explain how this defendant was  
acting

under color of law: Violated my 8<sup>th</sup> and 14<sup>th</sup> amendment Rights

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6) Defendant \_\_\_\_\_ resides at \_\_\_\_\_  
(full name of first defendant) (address if first defendant)  
and is employed as \_\_\_\_\_ This defendant is sued in his/her  
(defendant's position and title, if any)  
 individual  official capacity. (Check one or both). Explain how this defendant was  
acting  
under color of law: \_\_\_\_\_

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and 42 U.S.C. § 1983. If you wish  
to assert jurisdiction under different or additional statutes, list them below.

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**B. NATURE OF THE CASE**

- 1) Briefly state the background of your case.

I was Placed on High Desert State Prison, here and after,(HDSP) Dental sick call list  
by Dr. Mangapit for follow-up care to be treated for infected Chipping tooth that had been  
left in my mouth for almost a year Pertaining to case # A-16-74TTT9-C Civil suit  
at that time I was denied medical treatment by defendant S. Bean and Dr. Bitak I was  
told I would not be treated till I drop my law suit and sent back to my unit still in  
excruciating Pain after several weeks of still not being treated I filed a grievance informing  
Nevada Department of Corrections, here and after, (NDOC) of the on going constitutional  
Violation and my decreasing health due to that Violation my grievance was then  
improperly rejected as untimely and the medical issue/complaint was never  
forwarded to medical by defendant J. Nash resulting in over a year and 1/2  
of Retaliation of denying medical treatment to Plaintiff's known infected teeth  
leaving Plaintiff in excruciating Pain in which Plaintiff attempted Suicide twice Thus the following complaint

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**C. CAUSE OF ACTION**

1. On February 1, 2017 Plaintiff was escorted from unit 8% to medical at Highdesert state Prison here and after (HDSP).
  2. Due Solely to Defendant Ronrico Mangapit, here and after, Dr. mangapit Placing Plaintiff on dental Sick call list to be treated for Scheduled follow-up care treatment.
  3. The Scheduled treatment was Pertaining Specifically, to cavity infected teeth left in Plaintiff's mouth for almost 1 year.
  4. During that year Span Plaintiff informed dental of Bleeding gums, chipping tooth, unable to Sleep, eat, excruciating Pain EX... Via (5x) medical Notes, (3x) Grievances and (1) 1983 Civil Complaint see Attachment (A) Amended Opposition exhibit #3 also see Attachment (B) Grievance
  5. "AFFIRMATIVELY" informing dental of Plaintiff's need and want of treatment!
  6. Upon arrival to medical on 2/1/17 Defendant Doctor Paul Bitar, here and after, Dr. Bitar asked Plaintiff why he was there, before Plaintiff could answer Defendant Scherrie Bean stated; "That's the cry baby who filed a law suit on me".
  7. Dr. Bitar then stated, "we dont treat inmates that try to file law suits on us."
  8. Plaintiff then informed Dr. Bitar he was in a lot of Pain and having a hard time sleeping, stressed out, weight loss, unable to eat, bleeding gums, swelling Jaw and Chipping teeth, and had been like this for months.
  9. Scherrie Bean, here and after, S. Bean then stated her husband was a L.T. at (HDSP) and Plaintiff didn't know what Pain was yet!
  10. Plaintiff then informed Dr. Bitar that Defendant Dr. mangapit treated Plaintiff and knows Plaintiff has effected teeth that warrant treatment.
  11. Dr. Bitar stated, "he knows, he seen Plaintiff's Dental Chart".
  12. Plaintiff then asked Dr. Bitar, "are you going to treat me or not"?
  13. Dr. Bitar stated, "are you going to drop your law suit or not"?
  14. Plaintiff stated, "No".
  15. Dr Bitar Stated, "Then NO I am not treating you".
  16. S. Bean then Stated, "Go back to your unit when you can't take the pain you'll be back".
  17. I was then escorted out of medical
  18. After Several weeks of excruciating Pain and informing staff %'s, medical sick call nurses, teacher's and anyone who would listen.
  19. I was given advise to file (1) more Grievance That maybe I would finally get some help.

20. Although I was scared Due to the statements made and actions by defendants S. Bean and Dr. Bitar on 2/1/17.
21. On April 6 2017 I Submitted a grievance informing HDSP/NDOC of the denial of medical and retaliatory actions on February 1, 2017 by S. Bean and Dr. Bitar
22. Specifically, Informing HDSP/NDOC That I was being denied medical and Retaliated against for a on going and continuous constitutional Violation in which, I was still to that day had not been treated for and was still very much in Pain from I.E. lost of Sleep, High Blood pressure, weight lost, white blisters, Swell Jaw and Chipping tooth see. Attachment (C) Grievance Second Grievance
23. On 4/18/17 Defendant J. Nash, here and after, Nash issued a Doc-3098 improperly rejecting Plaintiff's grievance as untimely despite it being a clear on going Violation as seen in Attachment (C)
24. The on going Violation was clearly Supported by Plaintiff's earlier Grievance # 20063023297 see Attachment (B) First Grievance
25. Further Supported by "Notice" the NDOC computer System that still to this day states Plaintiff has dental needs and also Plaintiff's medical records see Attachment (A) Exhibit # 1 Dental Chart.
26. Although Plaintiff stated the retaliatory actions of denial of medical treatment was still an issue, that Plaintiff was still in excruciating Pain and warranted treatment.
27. Nash Never forwarded Plaintiff's medical complaint to medical.
28. Informal grievances addressing dental issues Should be responded to by charge nurse in institution see Attachment (D) Page (5of14) A.R. 740.05(E)
29. Health complaints are to be answered by medical to determine whether or not inmates need immediate medical attention. See, Attachment (E) A.R. 613
30. Nash improper rejection of Plaintiff's grievance of a clear on going constitutional Violation as untimely "DENIED" Plaintiff the grievance System.
31. What can not be hindsighted in the instant case is although the retaliation by defendants S. Bean and Dr. Bitar initiated on February 1 2017 on 4/6/17 when Plaintiff filed his grievance the Retaliation was still Very much occurring at that time Plaintiff had still not been treated as stated in the grievance see Attachment (C)
32. The improper rejection by Nash left Plaintiff with no other means of "EXHAUSTION"
33. The failure of Nash to forward Plaintiff's medical complaint to medical despite (NDOC) Policies and Procedures in which requires such actions denied Plaintiff the means to receive medical treatment due to the retaliatory actions of the defendants further, [REDACTED] "DENINING" Plaintiff any other means to "EXHAUST".
34. Ultimately leaving Plaintiff with no other options to address these Constitutional Violations
35. Thus, the Plaintiff filed the instant complaint in hopes of receiving all entitled relief in the interest of justice

36. Thereafter, Plaintiff filed a TRO & Preliminary Injunction in the Civil Complaint stated in Paragraph (4) of this Complaint.

37. Pertaining Specifically to the Deliberate and Indifferent actions of HDSP dental failing and or delaying to treat the same infected teeth

38. The defendants ultimately filed a opposition. see Attachment (A)

39. A "TRO" hearing was held in state court Dr. Bitar testified Plaintiff was at medical on 2/1/17 but Dr. Bitar could not find Plaintiff's dental chart.

40. Dr. Bitar Further Testified <sup>Plaintiff</sup> only wanted names for a civil complaint and did not about medical attention.

41. Ultimately, Dr. Bitar Testified he sent Plaintiff back to his unit without treatment and without having Plaintiff sign a Refusal form Doc-2523

42. HDSP dose not have a medical open door Policy were inmates can simply walk up to medical and be treated.

43. Inmates can only be placed on dental list by (1) requesting treatment or (2) scheduled for recommended treatment

44. either way dental are to one evaluate and treat inmates place on dental list are have them sign a refusal Release of liability see Attachment (F) Doc-2523 Form Refusal

45. State Court did not understand HDSP/NDOC Policies and Procedure Stated they where incline to believe the dental, Dr. Bitar that Plaintiff Never requested treatment on 2/1/17 and that now HDSP/NDOC are aware of <sup>Plaintiffs</sup> need that once back at HDSP I would be treated.

46. District court then Denied Plaintiff's TRO & Civil complaint

47. HDSP/NDOC Then take Plaintiff back to Prison to finish there "Malicious and Sadistic" mental and Physical ~~torture~~ of denying Plaintiff dental care despite knowing (1) Plaintiff has a serious medical need (2) Is in excruciating Pain (3) requesting treatment (4) tooth rotting and Chipping in Plaintiff's mouth

48. This was 7/13/17 on 7-16-17 Informed HDSP warden Personally he informed me I would be contacted and Scheduled an apt by dental see Attachment (G) Kite to Defendant B williams

49. Plaintiff Seen warden B. Williams a few weeks later on the yard and told him Plaintiff has not been seen yet .

50. The warden stated you must have really passed them off and walked away

51. The defendants in the instant case are staying there not aware Plaintiff needs treatment nor, has Plaintiff requested treatment

52 All defendants are and were aware of Plaintiff Pain and want and need for treatment while before 2/1/17 and while after.

53 Defendant S. Bean was served with a Summons and Complaint on 1/31/17 day before my scheduled Follow-up care appt on 2/1/17 in which her and Dr Bitar claim they didn't know why I was there. See Attachment (H)

54 Defendant [REDACTED] Dr Manapit and S. Bean were served again on 4/7/17 with amended Summons and Complaint informing them of want and need of treatment see Attachment (I)

55 Defendant James Dzurenda NDOC Director was made aware served summons and complaint on 4/21/17 see Attachment (J)

56. Defendant Dr. Bitar stated Plaintiff never ask for treatment on 2/1/17 filed declaration on June 27<sup>th</sup> 2017 to Plaintiffs "TPO" Requesting treatment yet still refusal to call Plaintiff to dental to be treated see Attachment (K)

57. Even if Dr. Bitar's statement was true that he couldn't find Plaintiff medical chart once Dr. Bitar did find Plaintiff chart he should have scheduled Plaintiff for follow-up care again to either be treated or sign a refusal.

58. All named Defendant in this complaint are aware H DSP dental program is operating under staffed to treat H DSP inmate population of over 3,000 inmates with only (2) dental chairs and out dated dental equipment

59. Plaintiff has attempted suicide (2) times seen 2/1/17 by taking large amounts of Pain Pills due to the excruciating Pain.

60. All named defendant and their agencies in this complaint new (1) Plaintiff had been and still is requesting to be treated while before 2/1/17 and while after 2/1/17 (2) Plaintiff was scheduled and placed on dental lock call to be treated for follow-up care on 2/1/17 and was deprived of treatment (3) Plaintiff filed a grievance based solely on the retaliatory deprivation of treatment on 2/1/17 due to this on going Violation and was then denied the grievance process further denied medical by never forwarding Plaintiff complaint to medical Yet Plaintiff has still not been treated today is 9/16/18 it is in the interest of Justice this court intervene.

### CLAIMS FOR RELIEF.

#### Count 1

Plaintiff was subjected to cruel and unusual punishment in violation of The Eighth Amendment To the U.S. Constitution

Deliberate and Indifferent to Plaintiff's Serious medical needs

61. Plaintiff incorporates paragraphs (1) through (17) as though they were stated fully herein.

62. Defendants S. Bean and Dr. Bitar violated Plaintiff's Eighth Amendment right to be free from cruel and unusual punishment by the failure to treat Plaintiff on 2/1/17 despite the recommended treatment of follow-up care ordered by defendant Dr. Mangapit Delaying and intentionally interfering with prescribed medical treatment done "maliciously" and "sadistically" constituting cruel and unusual punishment in violation of the U.S. Constitution.
63. Plaintiff incorporates paragraphs (21) through (33) as though they were stated fully herein.
64. Defendant J. Nash Violated Plaintiff's Eighth Amendment right to be free from cruel and unusual punishment, after being informed of the "Retaliation" on 2/1/17 of deprivation of medical treatment in which Plaintiff was still suffering from "Maliciously" and "Sadistically" improperly rejecting and not forwarding Plaintiff's medical complaint to medical dispute Police and Procedure requiring it, Subjecting Plaintiff to unnecessary and wanton infliction of Pain in violation of the U.S. Constitution.
65. Plaintiff incorporates paragraphs (36) through (55) as though they were stated fully herein.
66. Defendant James Dzurenda was Deliberate and Indifferent to Plaintiff's serious medical needs after being served with a Summons and Complaint on 4/21/17 informing him that Plaintiff had a painful infected tooth that needed treatment. Then again after Plaintiff's (T.R.) hearing James Dzurenda new of the "Retaliation" and deprivation of medical treatment on 2/1/17 "yet" still chose not to ensure Plaintiff was treated timely and appropriately as required as part of his job Duties as NOCC Director Subjecting Plaintiff to unnecessary wanton infliction of Pain in violation of the U.S. Constitution
67. Plaintiff incorporates paragraphs (47) through (52) as though they were stated fully herein.
68. Defendant B. Williams was Deliberate and Indifferent to Plaintiff's serious medical needs by knowing Plaintiff [REDACTED] had a painful infected tooth needed treatment on multiple accounts over the last 2 1/2 years of Plaintiff requesting dental treatment yet chose to do nothing to ensure Plaintiff's dental needs were addressed Subjecting Plaintiff to unnecessary wanton infliction of Pain
69. Plaintiff incorporates paragraphs (2) through (54) as though they were stated fully herein.
70. Defendant Dr. Mangapit was Deliberate and Indifferent to Plaintiff's serious medical needs, after knowing Plaintiff had not been treated for the prescribed treatment follow-up care on 2/1/17 and was still requesting treatment to his painful infected tooth by not placing Plaintiff back on follow-up to be treated and/or counseled on why treatment was recommended and/or sign a refusal to ensure no treatment was Plaintiff true wishes Subjecting Plaintiff to unnecessary wanton infliction of Pain
71. Plaintiff incorporates paragraphs (1) through (60) as though they were stated fully herein.
72. Defendants Romeo Aranas and Buencamino was Deliberate and Indifferent to my serious medical need as "Medical Administration" and Grievance Responders with full knowledge of Plaintiff Painful infected tooth that needed treatment "yet didnt treat" Subjecting Plaintiff to unnecessary wanton infliction of Pain Didn't ensure Plaintiff was treated
73. Plaintiff incorporates paragraphs (1) through (60) as though they were stated fully herein.

74. Defendants L. Stewart and Jerry Howell was Deliberate and Indifferent to Plaintiff's Serious medical needs by knowing Plaintiff had a painful infected tooth which warranted treatment as the grievance coordinators and was not receiving needed treatment and by knowing HDSP dental program was working with out dated equipment and under staffed to provide adequate dental to Plaintiff and the 3,500 Plus inmates at HDSP and doing nothing about it Subjected Plaintiff to unnecessary wanton infliction of pain.

75. Plaintiff incorporates paragraphs (1) through (60) as though they were stated fully herein.

76. Defendants (NDOC) municipal and (NDOC) municipal medical Provider was Deliberate and Indifferent to Plaintiff's serious medical needs by Implementing enforcing and ratifying "customs" and Polices which allows inmates with known<sup>serious</sup> medical needs to go months and years without treatment Subject them to cruel and unusual punishment and unnecessary wanton infliction of pain moreover, Police and customs which allow HDSP dental to operate under staffed with out dated equipment in which was the direct moving force of Plaintiff's constitutional violation I.E. Grievance Response's, failure to use refusal forms ex... .

77. Plaintiff incorporates paragraphs (1) through (60) as though they were stated fully herein.

78. Defendant Dental Insurance company, was Deliberate and Indifferent to Plaintiff's serious medical needs knowing HDSP Dental program was not equip to Provided adequate dental treatment to Plaintiff and the (3,000 Plus) inmates housed at HDSP with out dated equipment under staffed and (2) dental chairs further know Plaintiff had infected Painful tooth that warranted treatment and was not being treated by dental, Dental Insurance company further Supported Implemented enforced and ratified customs and Polices of HDSP Dental program which Subject inmates with know serious medical need to long delays and denial of treatment All while Providing dental Insurance was the direct moving force of Plaintiff constitutional violations.

## COUNT . 2

### Plaintiff was denied Due Process under the fourteenth Amendment to the Constitution

79. Plaintiff incorporates paragraphs (1) through (60) as though they were stated fully herein.

80. Defendants S.Bran, Dr.Bitar and Dr.mangat Violated Plaintiff's 14<sup>th</sup> amendment rights To Due Process with the failure and/or refusal to treat Plaintiff for recommended follow-up care Pertaining to infected teeth left in Plaintiff's mouth for years in which Plaintiff has been requesting treatment

81. Plaintiff incorporates paragraphs (1) through (60) as though they were stated fully herein.

82. Defendant James Dzurenda, B.William, Romeo Aranas, Buencamino, L. Stewart, Jerry Howell<sup>J. Nash</sup>, NDOC municipal, NDOC municipal medical Provider and Dental Insurance company Violated Plaintiff's 14<sup>th</sup> amendment right to Due Process by know plaintiff had infected tooth that needed treatment was in positions to ensure plaintiff was treated "Yet" choices to do nothing Violated Plaintiff due Process right to receive adequate medical treatment and recommended care.

## Count . 3

### Plaintiff was Subjected to Violation of his 14<sup>th</sup> amendment rights of Equal Protection of the Law as Guaranteed by the U.S. Constitution

83. Plaintiff incorporates paragraphs (1) through (60) as though they were stated fully herein.

84. Defendants S. Bean and Dr. Biter and Plaintiff's first amendment Rights to Equal Protection of the law by intentionally delaying [ ] denining and refusing Plaintiff medical treatment to prescribed recommended follow-up care on 2/1/17 "irrationally" and wholly arbitrarily motivated by "ill will" resulting from Previous Kites, Grievances and 1983 civil complaints motivated Solely by Spiteful efforts to deprive plaintiff of prescribed medical treatment for reasons wholly unrelated to any legitimate state objective as a class of one

85. Plaintiff incorporates paragraphs ( 1 ) through ( 60 ) as though they were stated fully herein.

86. Defendants James Dzurenda, B. Williams, J. Nash, Romeo Aranas, Buencamino, L. Stewart, Jerry Howell, (N.D.O.C) Municipal, (N.D.O.C) Municipal Medical Provider and John Doe Dental Insurance Company Violated Plaintiffs 14<sup>th</sup> amendment rights to Equal Protection of the law by Implementing, enforcing, ratifing and "Affirmatively" Supporting customs and Polices I.E. of Allowing HDSP dental program to not issue Doc 2523 refusal forms to inmates scheduled for treatment and not treated, Allow medical to deny Grievances that clearly require action, Allowing dental to have a 60 day minimum wait to evaluate inmates with painful conditions, Allow dental to run understaffed without dated equipment, Allowing dental to have months and years delay of treatment of known dental needs of inmates, Allowing NDOC NON-medical Staff to Answer medical complaints ex... inwhich arbitrary Governmental actions were imposed on Plaintiff of intentionally delaying denining and refusing Plaintiff medical treatment to prescribed recommended follow-up care on 2/1/17 "irrationally" and wholly arbitrarily motivated by "ill will" resulting from Previous Kites, Grievances and 1983 civil complaints motivated Solely by Spiteful efforts to deprive Plaintiff of prescribed medical treatment for [ ] reasons wholly unrelated to any legitimate state "objective" as a class of one inwhich was the direct moving force of Plaintiff's constitutional Violations

COUNT. 4

87. Plaintiff incorporate paragraphs ( 1 ) through ( 17 ) as though they were stated fully herein.

88. Defendants S. Bean and Dr. Biter Violated Plaintiffs first amendment Rights to be free from Retaliation by failing to treat plaintiff prescribed follow-up care on 2/1/17 due to not dropping Plaintiff's lawsuit.

#### PRAYER FOR RELIEF.

WHEREFORE, Plaintiff respectfully prays that this Court:

A. Declare that the acts and omissions described herein violated

Plaintiffs rights under the Constitution and laws of the United States;

B. Order Defendants to pay Punitive and compensatory damages for Physical Injury

C. Order Defendants to pay Separately and in addition compensatory damages for the mental and emotional distress for the "Extraordinary" unnecessary wanton infliction of Pain from the denial of medical treatment to infected teeth for over 2 1/2 years

D. Grant Injunctive relief Permanent Injunction requiring HDSP Dental program to only operate with up to date dental equipment and appropriate number of staff to provided adequate medical treatment to 3,500 inmate population of HDSP with a system put in place to see inmates with dental need before 60 days to be evaluated by dental.

E. Grant other just and equitable relief that this Honorable court deems necessary.

Respectfully Submitted,

Shannon Carter

Shannon Carter # 70773

P.O. Box 650

Indian Springs NV 89070

Dated: September 2018

Pursuant to 28 U.S.C. § 1746, I declare and Verify under penalty  
of perjury under the laws of the United States of America that the foregoing  
is true and correct. Executed on September 2018